

1 **HUGHES & PRITCHARD, LLP**
2 Gregory J. Hughes #071288
3 Amelia Ryan Pritchard #196902
3017 Douglas Boulevard, Suite 300
3 Roseville, California 95661
4 Telephone (916) 774-7506
4 Facsimile (916) 791-1644

5 Attorneys for Defendant Linda M. Burke

6

7

8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**
10 (Sacramento Division)

11 In re: Bankruptcy Case 02-21699-B-7

12 TRUCK-A-WAY,

13 Debtor.
14 _____/

15 MICHAEL P. DACQUISTO,

CIV S-03-0112-FCD

16 v. Plaintiff,

**STIPULATION FOR RELEASE OF
CANADIAN FUNDS AND ORDER
THEREON**

17 LINDA M. BURKE, ET AL.,

18 Defendants.
19 _____/

20 Plaintiff Michael P. Dacquisto (hereafter "the Trustee"), and Defendants Maureen Bossy
21 (hereafter "Bossy") and Linda M. Burke (hereafter "Burke"), hereby agree and stipulate as
follows:

22 1. All the parties set forth above, and others, have entered into a global settlement
23 which includes the above-captioned action.

24 2. Said global settlement has been approved by the bankruptcy court with jurisdiction
25 over the pending bankruptcy cases of Truck-A-Way (Case No. 02-21699) and James D. Burke
26 (Case No. 02-26749), by means of orders entered by the bankruptcy court on March 10, 2005,
27 which currently are on appeal.

28 ///

1 3. The global settlement requires a payment to the Trustee out of certain funds in
2 Canada, consisting of assets held at Canadian Imperial Bank of Commerce in two separate
3 accounts, Nos. 572-54422 and 572-54400, in the name of Bossy. Said accounts (hereafter
4 “Canadian Funds”) have been frozen by an order of the Superior Court, Province of Canada,
5 District of Montreal, Case No. 500-11-020616-039, and were also frozen by means of an
6 injunction issued by this court on April 8, 2004 (hereafter “April 8th Injunction”).

7 4. The Canadian Funds are to be paid and released as follows:

a. \$975,000.00 is to be paid to the Trustee by wire transfer; and

9 b. The balance is to be released to Bossy, in accordance with the terms of the
10 global settlement, effective upon the termination of the April 8th Injunction, as provided in the
11 separate Stipulation for Termination of Injunctions and Turnover of Property, and Order Thereon,
12 submitted herewith.

13 5. The parties to this Stipulation agree that the April 8th Injunction is lifted with respect
14 to the Canadian Funds to permit the payment to the Trustee provided under Paragraph 4 above.

15 6. The parties shall submit a separate stipulation to deal with other requirements of the
16 global settlement between them, and, after payment of all funds due to the Trustee under the global
17 settlement, a stipulation for dismissal of the above-captioned case.

18 7. This Stipulation may be signed by facsimile in counterparts and the parties agree
19 that the fully executed Stipulation may be submitted to the Court for approval without further
20 notice.

IT IS SO STIPULATED.

23 | Dated: _____, 2005

Michael P. Dacquisto, Chapter 7
Trustee of the Truck-A-Way Estate

26 | Dated: _____, 2005

Maureen Bossy

1 Dated: _____, 2005

2 Linda M. Burke

3 **APPROVED AS TO FORM:**

4 **Stevens & O'Connell, LLP**

5 Dated: _____, 2005

6 By _____
7 Craig C. Allison, Esq.
8 Attorneys for Michael P. Dacquisto

9 **Nageley, Meredith & Miller**

10 Dated: _____, 2005

11 By _____
12 Andrea M. Miller, Esq.
13 Attorneys for Maureen Bossy

14 **Hughes & Pritchard, LLP**

15 Dated: _____, 2005

16 By _____
17 Gregory J. Hughes, Esq.
18 Attorneys for Linda M. Burke

21 **ORDER**

22 The above stipulation is hereby approved.

24 Dated: June 20, 2005

25 /s/ Frank C. Damrell Jr.

26 Honorable Frank C. Damrell, Jr.
27 United States District Judge